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GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE GOVERNMENT SAVINGS BANKS ACT, 1873,

AS MODIFIED UP TO THE 1ST JULY 1894.

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STATEMENT OF REPEALS.

REPEALED IN PART	ACT XII OF 1873; ACT XVI OF 1874; ACT XII OF 1891.

The following changes have been made in reprinting the Act :—

(1) repealed matter has been omitted, explanatory notes being inserted;

(2) the reference to Act XXVII of 1860 has been altered as directed by Act VII of 1889;

(3) some foot-notes have been added for convenience of reference;

(4) the number and year of Acts referred to in the text have been printed in the inner margin, except where both appear in the text;

(5) section-numbers occurring in the text have been printed in figures instead of in words;

(6) the headings to the pages have been amplified.

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BENGAL LEGISLATIVE LIBRARY

ACT No. V OF 1873[*].

PASSED BY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 28th January, 1873.)

An Act to amend the Law relating to Government Savings Banks.

[As modified up to the 1st July, 1894.]

WHEREAS it is expedient to amend the law relating to the payment of deposits in Government Savings Banks; It is hereby enacted as follows:— Preamble.

Preliminary.

1. This Act may be called the Government Savings Banks Act, 1873; Short title.

It extends to the whole of British India. Local extent.

[*Commencement.*] *Repealed by Act XVI of 1874.*

2. [*Repeal of Act XXVI of 1855.*] *Repealed by Act XII of 1873.*

3. In this Act— Interpretation-clause.

"Depositor" means a person by whom, or on whose behalf, money has been heretofore, or shall be hereafter, deposited in a Government Savings Bank; and "deposit" means money so deposited:

"Secretary"

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[*] Act V of 1873 has been declared in force in the Sonthal Parganas by Reg. III of 1872, s. 3, as amended by Reg. III of 1886 [Bengal Code, Vol. I, Ed. 1889, p. 597], and in the Arakan Hill District by Reg. IX of 1874, s. 3 [Burma Code, Ed. 1889, p. 354].

It has been declared, by notification under the Scheduled Districts Act, 1874, to be in force in the following Scheduled Districts, namely:—the Districts of Hazáribágh, Lohárdaga and Mánbhum, and Pargana Dhálbhum and the Kolhán in the District of Singhbhum [Gazette of India, 1881, Pt. I, p. 504].

(*Sections 4-5.*)

"Secretary" includes every person empowered to manage a Government Savings Bank; and

"Minor" means a person who has not completed the age of eighteen years.

Deposits belonging to the Estates of deceased Persons.

Payment on death of depositor.

4. If a depositor dies, leaving in a Government Savings Bank a sum of money not exceeding one thousand rupees,

and if probate of his will or letters of administration of his estate, or a certificate granted under the Succession Certificate Act, 1889,[a] is not produced to the Secretary of such Bank within three months of the death of the said depositor, VII of 1889.

the Secretary of such Bank may pay the said sum of money to any person appearing to him to be entitled to receive it, or to administer the estate of the deceased.

Payment to be a discharge.

5. Such payment shall be a full discharge from all further liability in respect of the money so paid:

Saving of right of executor.

But nothing herein contained precludes any executor or administrator, or other representative of the deceased, from recovering from the person receiving the same the amount remaining in his hands after deducting the amount of all debts or other demands lawfully paid or discharged by him in due course of administration.

Saving of right of creditor.

And any creditor or claimant against the estate of the deceased may recover his debt or claim out of the money paid under this Act, or [b] Act No. XXVI of 1855, [c] to any person, and remaining in his hands unadministered, in the same manner and to the same extent

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[a] The reference to Act XXVII of 1860 is altered in accordance with Act VII of 1889, s. 2.

[b] Words repealed by Act XII of 1891 are omitted.

[c] Act XXVI of 1855 was repealed by s. 2 of this Act.

extent as if the latter had obtained letters of administration of the estate of the deceased.

Security for due administration.

6. The Secretary of any such Bank may take such security as he thinks necessary from any person to whom he pays any money under section 4 for the due administration of the money so paid,

and he may assign the said security to any person interested in such administration.

Power to administer oath.

7. For the purpose of ascertaining the right of the person claiming to be entitled as aforesaid, the Secretary of any such Bank may take evidence on oath or affirmation according to the law for the time being relating to oaths and affirmations [a].

X of 1873.

Penalty for false statements.

Any person who, upon such oath or affirmation, makes any statement which is false, and which he either knows or believes to be false or does not believe to be true, shall be deemed guilty of an offence under section 193 of the Indian Penal Code [b].

XLV of 1860.

Deposit when excluded in computing court-fees.

8. Where the amount of the deposit belonging to the estate of a deceased depositor does not exceed one thousand rupees, such amount shall be excluded in computing the fee chargeable, under the Court-fees Act, 1870,[c] on the probate, or letters of administration, or certificate (if any), granted in respect of his property:

VII of 1870.

Provided that the person claiming such probate or letters or certificate shall exhibit to the Court authorised to grant the same a certificate of the amount of the deposit in any Government Savings Bank belonging to the estate of the deceased. Such certificate shall be signed by the Secretary of such Bank, and the Court shall receive it as evidence of the said amount.

Act not to apply to deposits belonging to estates

9. Nothing hereinbefore contained applies to money belonging to the estate of any European officer, non-commissioned

[a] See Act X of 1873, in General Acts, 1867-76, Ed. 1887, p. 429.

[b] For Act XLV of 1860 see the revised edition, as modified up to 1st August, 1890, published by the Legislative Department.

[c] For Act VII of 1870 see the revised edition, as modified up to 1st July, 1891, published by the Legislative Department.

of European soldiers or deserters.

non-commissioned officer or soldier dying in Her Majesty's service in India, or of any European who, at the time of his death, was a deserter from the said service.

Deposits belonging to Minors.

Payment of deposits to minor or guardian.

10. Any deposit made by, or on behalf of, any minor may be paid to him personally if he made the deposit, or to his guardian for his use if the deposit was made by any person other than the minor, together with the interest accrued thereon.

The receipt of any minor or guardian for money paid to him under this section shall be a sufficient discharge therefor.

Legalization of like payments heretofore made.

11. All payments of deposits heretofore made to minors or their guardians by any Secretary of a Government Savings Bank shall be deemed to have been made in accordance with law.

Deposits belonging to Lunatics.

Payment of deposits belonging to lunatics.

12. If any depositor becomes insane or otherwise incapable of managing his affairs,

and if such insanity or incapacity is proved to the satisfaction of the Secretary of the Bank in which his deposit may be,

such Secretary may, from time to time, make payments out of the deposit to any proper person,

and the receipt of such person, for money paid under this section, shall be a sufficient discharge therefor.

Where a committee or manager of the depositor's estate has been duly appointed, nothing in this section authorizes payments to any person other than such committee or manager.

Deposits made by Married Women.

Payment of married women's deposits.

13. Any deposit made by or on behalf of a married woman, or by or on behalf of a woman who afterwards

wards marries, may be paid to her, whether or not the Indian Succession Act, 1865[a], section 4, applies to her marriage; and her receipt for money paid to her under this section shall be a sufficient discharge therefor.

X of 1865.

Rules.

Rules regulating certificates under section 8, and payments under section 10, 12 or 13.

14. All certificates under section 8, and all payments under section 10, section 12 or section 13, shall be respectively granted and made by the Secretary of the Bank, subject to such rules consistent with this Act as the Governor General in Council may, from time to time, prescribe.

[a] For Act X of 1865 see the revised edition, as modified up to 1st July, 1890, published by the Legislative Department.

C. I. C. P. O.—No. 16 L. D.—19-7-94.—300.—T. S.